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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,434	06/23/2003	Barry Ray Huber	C0956.11U	7145
29633	7590	08/10/2005	EXAMINER	
ROGERS TOWERS, P.A. 1301 RIVERPLACE BOULEVARD, SUITE 1500 JACKSONVILLE, FL 32207			ROBERTSON, TIARA S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,434

Applicant(s)

HUBER ET AL.

Examiner

Tiara S. Robertson

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In Claim 1, line 6; "manner" should be "member". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "relatively" in claim 1 is a relative term, which renders the claim indefinite. The term "relatively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2-7 depend from rejected claim 1 and include all of the limitations of claim 1 thereby rendering their dependent claims indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,226,949 to Huber.

Huber clearly shows an eave member that meets all the limitations as described in claims 1-5 (see Fig. 2).

Regarding claim 1, Huber discloses an eave member comprising a backer member (17) and thatch elements having free ends (20). Where the thatch elements are attached to the backers in a manner such that the said free ends define an exposed surface.

Regarding claim 2, Huber discloses an eave member as described in claim 1, where the backer member is rigid.

Regarding Claim 3, Huber discloses an eave member as described is claim 1, where the thatch elements are synthetic (Col. 2, line 7-11).

Regarding Claim 4, Huber discloses and eave member as described in claim 1, where the exposed surface is planer (see Fig. 1 & 2).

Regarding Claim 5, Huber discloses and eave member as described in claim 1, where the backer member is linear.

5. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 4,739,603 to Butler.

Butler clearly shows an eave member the meets all the limitations described in claims 6 and 7.

Regarding claim 6, Butler discloses an eave member as described in claim 1 (see Fig. 1), where the backer member is non-linear (see Fig. 1 & 6).

Regarding claim 7, Butler discloses an eave member as describe in claim 1, where the exposed surface is curved (see Fig. 6)

6. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,226,949 to Huber.

Regarding claim 8, Huber discloses a thatch roofing system including eave and roofing members; where the eave member comprises thatch elements connected to a backer member where the thatch elements have free ends that define an exposed surface and the roofing member comprises thatch elements connected to a mounting member in manner where the thatching elements present exposed roofing member free ends having a lowermost row (see Fig. 2).

Regarding claim 9, Huber discloses a system as described in claim 8, where the backer members are rigid (see Fig. 2).

Regarding claim 10, Huber discloses a system as described in claim 8 where the thatch members synthetic (Col. 2, line 7-11).

Regarding claim 11, Huber discloses a system as described in claim 8, where the exposed surfaces of the eave member are planar (see Fig. 1 & 2).

Regarding Claim 12, Huber discloses a system as described in claim 8, where the backer member is linear (see Fig. 2).

7. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 4,739,603 to Butler.

Regarding claim 13, Butler discloses a thatch roofing system as described in claim 8 (see Fig. 1), where the some of the backer member are linear and some are non-linear (see Fig. 1 & 6).

Regarding claim 4, Butler discloses a thatch roofing system as described in claim 8, where the exposed surface is curved (see Fig. 6).

8. Claims 15 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,226,949 to Huber.

Regarding Claim 15, Huber discloses thatch roofing and eave members being provided as specified in claim 15 (see Fig. 1).

9. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,739,603 to Butler.

Regarding Claim 16, Butler discloses the method providing thatch roofing and eave members as described in claim 15, where linear and non-linear eave members are provided and attached to a roof with eaves and corner such that the surfaces defined by the non-linear eave member free ends match with the surfaces defined by the linear eave member free ends (see Fig 6).

10. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,492,610 to Simpson.

Regarding Claim 17, Simpson discloses the method providing thatch roofing and eave members as described in claim 15, where the eave members are attached to said eaves such that the backer members are oriented vertically and the eave member

thatch elements extend outwardly from the eaves in a downward sloping manner (see Fig. 9).

11. Claims 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,226,949 to Huber.

Regarding Claim 18, Huber discloses the method providing thatch roofing and eave members as described in claim 15, where the thatch elements are synthetic (Col. 2, line 7-11).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to thatch roofing:

U.S. Patent No. 4,611,451 to Symbol

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSR

TSR
8/03/05



Carl D. Friedman
Supervisory Patent Examiner
Group 3600